

JOAQUIN C. ARRIOLA, JR., ESQ.
ARRIOLA, COWAN & ARRIOLA
259 MARTYR STREET, SUITE 201
HAGATNA, GUAM 96910
TELEPHONE: (671) 477-9730-33
TELECOPIER: (671) 477-9734

Counsel for Defendant JOHN V.M. CRUZ

FILED

DISTRICT COURT OF GUAM

SEP 19 2006

RECEIVED

MARY L.M. MORAN

SEP 19 2006

CLERK OF COURT

DISTRICT COURT OF GUAM
HAGATNA, GUAM

**IN THE DISTRICT COURT OF GUAM
TERRITORY OF GUAM**

UNITED STATES OF AMERICA,) CRIMINAL CASE NO. CR05-00053
)
 Plaintiff,)
)
 vs.) **OBJECTIONS TO PRE-SENTENCE
 REPORT**
)
 JOHN V. M. CRUZ,)
)
 Defendant.)

COMES NOW, Defendant JOHN V.M. CRUZ, through counsel Arriola, Cown and Arriola, by Joaquin C. Arriola, Jr., and submits the following Objections to the Pre-Sentence Report (PSR), pursuant to Rule 32(f)(1), Federal Rules of Criminal Procedure:

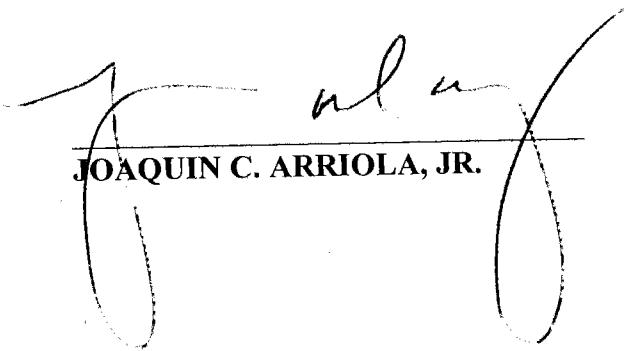
1. Defendant objects to Paragraph 88 of the PSR which opines that the Defendant appears to have the ability to pay the minimum fine under the Sentencing Guidelines. The income of Defendant's girlfriend, incorrectly identified as his "spouse" in paragraph 26 of the PSR, is inappropriately imputed to Defendant.
2. Defendant objects to the PSR inasmuch as it fails to incorporate the requirements of 18 U.S.C. §3553(a). 18 U.S.C Section 3553(a) enumerates and outlines the various factors the court must consider in imposing sentence. The PSR fails to fully and adequately outline all such factors.

ORIGINAL

Defendant further joins in the Motion for Substantial Assistance Departure filed by the Government on August 25, 2006.

Dated at Hagåtña, Guam: September 19, 2006.

ARRIOLA COWAN & ARRIOLA


JOAQUIN C. ARRIOLA, JR.

ARRIOLA, COWAN & ARRIOLA, HAGATNA, GUAM 96910

CERTIFICATE OF SERVICE

I hereby certify that on September 19, 2006, a copy of the Defendant's Objections to PSR, were served upon Plaintiff, United States of America, by hand-delivering a copy thereof to:

KARON V. JOHNSON, ESQ.
Assistant U. S. Attorney
United States Attorney's Office, Criminal Division
Suite 500, Sirena Plaza
108 Hernan Cortez Avenue
Hagatna, Guam 96910;

CARLEEN G. BORJA
Probation Officer
U.S. Probation Office
520 W. Soledad Avenue, Second Floor
Hagatna, Guam 96910

Dated at Hagåtña, Guam: September 19, 2006.

ARRIOLA, COWAN & ARRIOLA

JOAQUIN C. ARRIOLA, JR.